

Appl. No. 10/634,602
Response Dated June 8, 2006
Reply to Office Action of March 8, 2006

REMARKS

Claims 1-20 stand in this application. Claims 1, 4, 5, 8-11, and 15 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 4, 8-10, and 15-20 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended to overcome a § 112 rejection and are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

At page 3, paragraph 3 claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,493,824 to Novoa et al. (Novoa) in view of US Patent No. 6,741,836 to Lee et al. (Lee). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

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Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-20. Therefore claims 1-20 define over Novoa and Lee whether taken alone or in combination. For example, claim 1 as amended, recites the following language, in relevant part:

querying a second network interface to determine if the
second network interface requires servicing....

As correctly noted in the Office Action, Novoa fails to disclose, teach, or suggest servicing a second network interface during a same wake interval. According to the Office Action, the missing language is disclosed by Lee at col. 1, lines 38-40, col. 2, lines 8-12. Applicant respectfully disagrees. Lee at the given cite, in relevant part, states that Bluetooth enabled devices may engage in various sleep modes to reduce power consumption. Where the Bluetooth device also includes a CDMA cell phone, the CDMA cell phone wakes up periodically during its allotted time to process pilot signals from the

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base station. According to the Office Action, Lee further teaches that the waking times of the Bluetooth device and the CDMA cell phone are synchronized so that they may be serviced during the same wake period at col. 2, lines 45-67.

Applicant respectfully submits that Novoa is directed to remotely waking a computer in a power down state and Lee is directed to synchronizing the wake periods of a Bluetooth device and a CDMA cell phone. As previously discussed, Novoa fails to disclose, teach, or suggest servicing a second network interface during a same wake interval. Lee merely discloses to reschedule a next planned wake-up process in either the Bluetooth device or the CDMA cell phone so that the previously scheduled wake up processes may be performed in synchronization. Neither the Bluetooth device nor the CDMA cell phone, however, is queried to determine if it either one requires servicing prior to synchronization. According to Lee, the synchronization is always performed as long the wake-up scheduled of either device do not coincide. Accordingly, Lee merely discloses to synchronize pre-scheduled wake up processes for the Bluetooth device and the CDMA cell phone to occur at the same time. Novoa and Lee, however, whether taken alone or in combination, fail to disclose, teach, or suggest at least the feature of "querying a second network interface to determine if the second network interface requires servicing," as recited in amended claim 1.

By way of contrast, the claimed subject matter first detects an event associated with a first network interface and then queries a second network interface to determine if the second network interface requires servicing. Lee fails to disclose, teach, or suggest "querying a second network interface to determine if the second network interface requires servicing," as recited in amended claim 1. Consequently, Novoa and Lee,

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whether taken alone or in combination, fail to disclose, teach or suggest every element recited in amended claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Therefore, Applicant submits that claims 2-4 are patentable and non-obvious over Novoa in view of Lee at least on the basis of their dependency from claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 2-4.

Claims 5, 11, and 15 have been amended in a manner substantially similar to amended claim 1. Therefore, for reasons analogous to those discussed above with respect to claim 1, as amended, Applicant submits that claims 5, 11, and 15, as amended, are patentable and non-obvious over Novoa in view of Lee, whether taken alone or in combination. Applicant further submits that dependent claims 6-10, 12-14, and 16-20 also are patentable and non-obvious over the cited references at least on the basis of their dependency from respective claims 5, 11, and 15. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 5, 11, and 15 and respective dependent claims 6-10, 12-14, and 16-20.

For at least these reasons, Applicant submits that claims 1-20 recite novel and non-obvious features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

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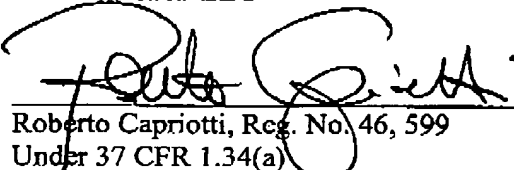
Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-20 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC


Roberto Capriotti, Reg. No. 46, 599
Under 37 CFR 1.34(a)

Dated: June 8, 2006

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